

# Proposed Rules

Federal Register

Vol. 67, No. 239

Thursday, December 12, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. FAA-2002-13971;  
Airspace Docket No. 02-AAL-8]

#### Proposed Establishment of Class E Airspace; Marshall, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish new Class E airspace at Marshall, AK. Two new Standard Instrument Approach Procedures (SIAP) are being published for the Marshall Airport. In addition, a new departure procedure has been developed. There is no existing Class E airspace at Marshall. Class E airspace sufficient to contain aircraft executing the new and revised instrument procedures needs to be established. Adoption of this proposal would result in the addition of 700 ft. Class E airspace at Marshall, AK.

**DATES:** Comments must be received on or before January 27, 2003.

**ADDRESSES:** Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2002-13971/Airspace Docket No. 02-AAL-8, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic

Division, Federal Aviation Administration, Manager, Operations Branch, AAL-530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587.

#### FOR FURTHER INFORMATION CONTACT:

Derril Bergt, AAL-538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-2796; fax: (907) 271-2850; email: [Derril.CTR.Bergt@faa.gov](mailto:Derril.CTR.Bergt@faa.gov). Internet address: <http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2002-13971/Airspace Docket No. 02-AAL-8." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of Notice of Proposed Rulemaking's (NPRM's)

An electronic copy of this document may be downloaded through the

Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the Superintendent of Document's Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591 or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### The Proposal

The FAA proposes to amend 14 CFR part 71 by establishing Class E airspace at Marshall, AK. The intended effect of this proposal is to establish new Class E controlled airspace upward from 700 feet above the surface to enable IFR operations at Marshall, AK to be contained within controlled airspace.

The FAA Instrument Flight Procedures Production and Maintenance Branch has developed two new SIAPs for the Marshall Airport. The new approaches are (1) Area Navigation (Global Positioning System) (RNAV GPS)-A, original; and (2) RNAV (GPS) Runway 7, original. Coincident with the new SIAPs, a departure procedure is being established. New Class E controlled airspace extending upward from 700 feet above the surface within a 6.3 mile radius of the Marshall Airport would be created by this action. This airspace is sufficient to contain aircraft executing the new instrument procedures for the Marshall Airport.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 in FAA Order 7400.9K, *Airspace Designations and Reporting Points*, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document

would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### **§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, *Airspace Designations and Reporting Points*, dated August 30, 2002, and effective September 16, 2002, is to be amended as follows:

\* \* \* \* \*

*Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

##### **AAL AK E5 Marshall, AK [New]**

Marshall Airport, AK  
(Lat. 61°51'53" N., long. 162°01'28" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Marshall Airport.

\* \* \* \* \*

Issued in Anchorage, AK, on November 29, 2002.

**Stephen P. Creamer,**

*Assistant Manager, Air Traffic Division,  
Alaskan Region.*

[FR Doc. 02–31347 Filed 12–11–02; 8:45 am]

**BILLING CODE 4910–13–P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

#### **18 CFR Part 35**

**[Docket No. RM01–12–000]**

#### **Remedying Undue Discrimination Through Open Access Transmission Service and Standard Electricity Market Design**

December 4, 2002.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of technical conference agenda.

**SUMMARY:** Commission staff convened a technical conference on December 6, 2002, to discuss the cyber-security provisions described in section M and Appendix G of the Notice of Proposed Rulemaking issued in this docket on July 31, 2002. *See* 67 FR 55452 (August 29, 2002). This notice provides further organizational details and the conference agenda.

**DATES:** The conference took place on December 6, 2002.

**ADDRESSES:** The conference took place at: Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:** Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8004.

#### **SUPPLEMENTARY INFORMATION:**

#### **Notice of Technical Conference Agenda**

1. As announced in the Notice of Technical Conference issued on November 20, 2002, Commission staff will convene a technical conference on December 6, 2002 to discuss and analyze proposed rules for cyber-security. This notice provides further organizational details and the conference agenda.

2. The conference will begin at 9:30 a.m. and will adjourn at about 3 p.m. It is scheduled to take place the Commission's offices, 888 First Street, NE., Washington, DC, in the Commission Meeting Room on the

second floor. The agenda is appended to this notice as Attachment A.

3. The conference is open for the public to attend, and registration is not required; however, in-person attendees are asked to notify the Commission of their intent to attend by sending an 3-mail message to [conference@ferc.gov](mailto:conference@ferc.gov).

4. Transcripts of the conference will be immediately available from Ace Reporting Company (202–347–3700 or 1–800–336–6646), for a fee. They will be available for the public on the Commission's FERRIS system two weeks after the conference.

Additionally, Capitol Connection offers the opportunity for remote listening and viewing of the conference. It is available for a fee, live over the Internet, via C-Band Satellite. Persons interested in receiving the broadcast, or who need information on making arrangements should contact David Reninger or Julia Morelli at the Capitol Connection (703–993–3100) as soon as possible or visit the Capitol Connection Web site at <http://www.capitolconnection.gmu.edu> and click on “FERC.”

5. Questions about the conference program should be directed to: Sarah McKinley, Manager of State Outreach, Office of External Affairs, Federal Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8368, [sarah.mckinley@ferc.gov](mailto:sarah.mckinley@ferc.gov).

**Linwood A. Watson, Jr.,**  
*Deputy Secretary.*

## **Appendix A**

### **Schedule**

9:30 a.m.

Introduction.

Review of FERC's SMD Cyber-Security Proposed Standard, Alison Silverstein.

10 a.m.

Presentation of the North American Electric Reliability Council's (NERC's) Recommended Cyber-Security Standard, Chuck Noble, ISO New England, NERC Critical Infrastructure Protection Advisory Group.

10:30 a.m.

Comments from Public and Panel Discussion.

- Scope of Proposal
- Specific Measures
- Compliance and Timing
- Other

Federal Cyber-Security Panel:

Tom Cable, Critical Infrastructure Protection Board.

Lawrence C. Hale, Office of Information Assurance and Critical Infrastructure Protection, Federal Technology Service, General Services Administration.

Tom Harper, Office of Counter Intelligence, Department of Energy.

Landis D. Kannberg, Pacific Northwest National Laboratory, Department of Energy.